

Approved

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: October 22, 2002

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Dini Healy-Coffin, Chris Romeo, Robert McCusker,
Robert Jefferies, Allan Loiselle

Open Forum

Roy Sodersjerna, 49 Keyes Road, was present seeking information regarding the appeal relative to the Omnipoint lawsuit, the alternate site at the new highway garage location and whether that alternative site is town-owned land. Sodersjerna stated that the residents need to know what is going on. Healy-Coffin stated that she appreciated his anxiousness to find out more information but the two lawsuits (the residents and Omnipoint) cannot be discussed nor can the discussions that take place during executive session. Ledoux stated that because the Town is involved in litigation and may or may not be in negotiations with Omnipoint, the alternative site cannot be discussed because it could be a potential settlement in the case. Romeo stated that the Board shares the communities' concerns relative to cell towers. Romeo stated that the Board initially asked Jeff Chelgren to look into the highway garage site for a cell tower as a potential revenue raiser. Ledoux pointed out that the article was withdrawn before Town Meeting got to vote. Sodersjerna believed that the article was taken off the agenda because the Selectmen did not recommend it.

Attorney Douglas Deschenes, representing Concord Place, LLC, was present to make a preliminary presentation to the Board for a proposed 40B project on the corner of Concord Road and Elliott Road. Under the Mass Housing Starts process, the applicants must appear before the applicable local boards before the State will make a decision. Deschenes introduced the members of Concord Place, LLC. Deschenes distributed preliminary plans to the Board. Deschenes outlined the plans for 16 units of 2-bedroom townhouse-style units with

garages. Each unit will be approximately 1,300 sq. ft. There has been no formal filing with the State or the Town. Deschenes proposed that 25% of the units will be affordable. Deschenes reported that the group has met with the Affordable Housing Committee to get input. The Affordable Housing Committee had suggested that the buildings be broken up into smaller groupings. Healy-Coffin strongly recommended that Deschenes and Concord Place, LLC talk to the neighbors to get their concerns at the beginning of the process. Deschenes concurred. Deschenes stated that they will be filing with the State next week and will be coming back before the Board for review during the 30-day comment period. Jefferies asked to see plans of what the project will actually look like. Deschenes to provide. Romeo asked that Deschenes keep the Affordable Housing Committee involved in the process. The next presentation to the Selectmen will be an agenda item.

Sheryl Gerhardt, 80 Tadmuck Road, stated that she was upset when she learned that the Selectmen had given permission to a group for a box project on the town common the same day as her daughter's wedding on the common. Gerhardt stated that she was not notified of this situation and that she had to hear about it from a neighbor. Gerhardt stated that she went through the proper process and thought that she would have exclusive use of the common. Gerhardt was concerned that another group could use the common on the same day. Healy-Coffin pointed out that the box project was moved to the Roudenbush property. Gerhardt asked why the Board is making decisions regarding the common if they do not have the jurisdiction to do so. Ledoux stated that the Board will be setting a policy regarding the use of the common.

Paul Murray, Veterans Service Officer, announced the Veteran's Day ceremonies scheduled for Monday, November 11, 2002 on the town common. Murray asked that a Board member speak at the ceremony.

Jill Gallagher, 10 Wilson Farm Road, stated that she received a solicitation in her mailbox in opposition to Article 19 regarding the proposal to extend the commercial highway zone on Carlisle Road. Healy-Coffin stated that Article 19 would be discussed later in the meeting.

FAQ's

None at this time.

Meeting with Thomas Boisvert concerning Redemption of Parcel of Land

Thomas Boisvert, North Hampton, New Hampshire, was present at the advice of the Tax Collector's office. Boisvert was seeking to redeem a certain parcel of land that he had owned, with a partner, on Providence Road. The land was subsequently taken by the Town for back taxes. Boisvert stated that he would like to build a home for a family member. Ledoux stated that the Board has the authority to allow or deny the redemption. If denied, Boisvert could file with Land Court to seek a ruling against the Town. Loisel noted that a building lot

with frontage was worth more than the back taxes. Loisel asked if the Town could garner more revenue for the lot. Loisel stated that the Board needed to know exactly what is owed and what the Town can get under the tax title process and then negotiate with Boisvert. Ledoux to get a report from the Tax Collector. Romeo asked that Ledoux

share that information with Boisvert. McCusker asked for information regarding the Board's rights and authority relative to these types of properties. Continued to October 29, 2002.

Selectmen to Sign Special Town Meeting Warrant and Take Positions on Articles

Ledoux reported that the following articles were not ready for the Board's recommendations: Article 1 (Compensation Plan Amendment); Article 2 (Fiscal Year 2003 Supplemental Appropriations); Article 3 (Fiscal Year 2003 Transfers); Article 6 (Stabilization Fund FY2003); Article 7 (Reduction of Amount to be Raised by Taxes in FY2003). Articles 1, 2, 3, 6, 7 deferred to October 29, 2002.

Article 4: OAK ROAD BETTERMENT/BOARD OF SELECTMEN

Article 5: CAMP ROAD BETTERMENT/BOARD OF SELECTMEN

It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to recommend approval of Articles 4 and 5.

Article 8: RESOLUTION CONCERNING ATTACKS OF SEPTEMBER 11TH/BY PETITION

Dennis Galvin, 90 Concord Road, addressed the petition of general condemnation regarding the use of violence and terror as a means to achieve political or social ends and declare support for our efforts to end both domestic and world terrorism. Loiselle asked if this would be sent to elected officials and the President if passed at Town Meeting. Ledoux stated that part of the motion could include forwarding to elected officials and the President. It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 8.

Article 9: COMMUNITY PRESERVATION FUNDS APPROPRIATION/COMMUNITY PRESERVATION COMMITTEE

Evan Schapiro, Tadmuck Road, CPC member, gave an overview of the Committee's recommendations for Town Meeting's consideration. Schapiro reported that through money raised from the past year's Community Preservation surcharge on property taxes and the 100% matching funds received from the State on October 15, 2002, there is a total of \$1,630,969.96 available. Schapiro stated that \$541,500 is recommended for projects in affordable/ community housing, historic preservation, recreation facilities, and committee operating expenses. \$1,089,469.96 is recommended to be banked in the Historical and Open Space reserve accounts and the General Preservation Account for future community preservation needs. McCusker asked Ledoux to provide information clarifying the parameters relative to the re-allocation of funds. Ledoux to get an opinion from Town Counsel. Loiselle stated that he voted for the CPA initially because he wanted to preserve open space but there was not much in the committee's recommendations for open space. Schapiro pointed out that there is \$1.2 million for open space preservation. Schapiro reported that the Committee will be putting together a monitoring policy to ensure that the money goes where it is supposed to go. Jefferies was concerned that approximately \$447,000 was dedicated to developing open space. Jefferies felt that the construction of tennis courts changes the open space to active recreation. Jefferies asked if the Committee had put together a priority list of buildings that needed repairs. Jefferies felt that the Town Hall was in need of work. Schapiro stated that the Committee put out a request. People who wanted money made an application. The Committee relied heavily on the Historic Commission's recommendations. Schapiro stated that the Committee's rationale relative to the tennis courts was that they will benefit many people, there is a need for additional courts, they will be revenue

generators in the future, and if built in the future the costs would increase. McCusker stated that when he voted for the Community Preservation Act it was for open space. McCusker was concerned with maintenance costs for 3 new tennis courts. Schapiro stated that the revenues coming in from the tennis courts could be used for maintenance. Pat Savage, Director of Parks and Recreation, stated that the maintenance and control of the fields at the Stony Brook site are under the Recreation Department. A resident from 4 Melissa Drive asked if the Committee was given the authority to enhance or to preserve. The resident stated that she drives by 5 tennis courts that are not being used and questioned the need for 3 additional tennis courts. It was moved by Jefferies, seconded by Loiselle for discussion, to support Article 9. Romeo asked to take positions on each item in Article 9. Romeo stated that he was in favor of the affordable portions of the article and supported Committee's recommendation on the tennis courts but that he could see the other side of the argument as well. Romeo was concerned with how the Town could bind a deal in a timely fashion. Schapiro agreed that the Committee would need to work with Town Counsel regarding Romeo's concern. Schapiro stated that the Committee would like to earmark money for a quick turnaround. Savage pointed out that the tennis courts would be revenue generators with the money going back to the CPA fund. Loiselle was concerned that the CPA was going to become its own little government. Loiselle noted that the legislature said the CPA was a repository for funds. Savage said the Act states that revenue generated would go back to the CPA. McCusker stated that he could not support the 2 items for the Recreation because they have a reserve account that could be used to perform capital projects. Marilyn Frank, 6 Chamberlain Road, committee member, stated that this is the first year for the CPA and noted that it is a learning curve for everyone with a series of checks and balances. Frank reminded the Board that it is up to the voters to approve the recommendations. Healy-Coffin agreed with supporting the Committee and noted that the members are dedicated to the Town through affordable housing, Historic Commission, master plan, etc. Healy-Coffin felt that the Committee has done its due diligence. Vote on Jefferies' motion to recommend approval: 4 IN FAVOR with 1 ABSTAINING (McCusker). McCusker abstained because he disagreed with the numbers and felt that other revenue sources could have been used with the Recreation Department revolving funds.

Article 10: SALE OF TOWN OWNED LAND FOR PRIVATE SEPTIC SYSTEM AND GRANTING OF SLOPE EASEMENT – GRANITEVILLE ROAD/BOARD OF SELECTMEN

Richard Barrett, Highway Superintendent, reported that the slope easement allows for grading. Barrett stated that he reviewed the plans and recommended support of Article 10. Ledoux stated that this will have to go out to bid under the procurement laws. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 10.

Article 11: ACCEPTANCE OF MGL 59, SECTION 5/CHANGE OF RESIDENCY REQUIREMENT FOR DISABLED VETERANS/VETERANS SERVICE OFFICER

Paul Murray, Veterans Service Officer, explained Article 11. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 11.

Article 12: ACCEPTANCE OF MGL CHAPTER 138, SECTION 33B, SALE OF ALCOHOLIC BEVERAGES ON SUNDAY AND LEGAL HOLIDAYS/BOARD OF SELECTMEN

Healy-Coffin read a letter of support from the Westford Regency. It was moved by McCusker, seconded by Romeo, and VOTED UNANIMOUSLY, to recommend approval of Article 12.

Article 13: PROPERTY TAX DEFERMENT/SPECIAL ACT – APPLICATION OF CHAPTER 59, SECTION 5, 41A/SENIOR TAX RELIEF COMMITTEE

Paul Murray, Senior Tax Relief Committee, spoke in favor of Article 13 to petition the General Court of the Commonwealth to enact special legislation to drop the age from 65 to 60 when applying for tax deferment and that the annual interest rate to be paid on the deferred taxes be 4% in the first year and set annually thereafter by the Selectmen not to exceed 8%. Ledoux reported that this replicates what other towns have been doing. Ledoux stated that the impact would be a loss of interest in terms of the tax deferment. Liz Adams, Chairman of the Finance Committee, reminded the Board that the Special Town Meeting was to try to close out the budget. Adams recommended handling this article at the Annual Town Meeting. Adams urged the Board to use extreme caution when deciding this matter because the impact to the budget is unknown. Adams felt that it will make the problems the Town is facing worse. The Finance Committee will be taking positions on Wednesday, October 30, 2002. Healy-Coffin stated that she did not believe this would open floodgates of residents seeking to defer their taxes. Adams stated that if we keep adding to the budget, it will never get balanced. It was moved by Romeo, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Loiselle), to recommend approval of Article 13. Loiselle stated that this needs to be looked at statistically in case there is an impact to the budget. Jefferies stated that this is revenue deferred not revenue lost.

Article 14: SENIOR RESIDENTS PROPERTY TAX RELIEF PROGRAM/SENIOR TAX RELIEF COMMITTEE

Paul Murray, Senior Tax Relief Committee, stated that Article 14 would authorize the Selectmen to file legislation to establish a program in order to appropriate and expend funds for property tax rebates of up to \$750.00 per year for senior residents meeting certain criteria. Murray stated that they are still working on the impact numbers. The Board to take a position on October 29th.

Article 15: STREET ACCEPTANCES/BOARD OF SELECTMEN

Awaiting report from Planning Board. The Board to take position at future meeting.

Article 16: GENERAL BYLAW AMENDMENT/BYLAW REVIEW COMMITTEE

McCusker recalled that residents were at the last meeting complaining about methanol at the treatment plant on Route 110. McCusker asked for a report on October 29th from the Fire Chief regarding the restrictions. The Board to take a position on October 29th.

Article 17: AMENDMENT TO WETLAND BYLAW/NASHOBA VALLEY TECHNICAL SCHOOL DISTRICT

McCusker requested that the Board invite Nashoba Valley Technical School District to the meeting of October 29th. The Board to take a position at that meeting.

Article 18: ZONING BYLAW AMENDMENT/PLANNING BOARD

Ledoux reported that the Planning Board has not held a public hearing on Article 18. The Board to take a position on November 12th.

Article 19: ZONING BYLAW AMENDMENT/BY PETITION

Wade Whorler, petitioner and owner of Pets, Pets, Pets, was present asking for a partial zone change to rezone a portion of Carlisle Road. Whorler stated that he tried to do this in 1997. Jefferies felt that this was a fairness issue because the Town had advised Whorler that this could be done and after Whorler spent a great deal of time and

money, the Town said it could not be done and that Whorler would have to go to Town Meeting. Jefferies asked if there was some way of providing a buffer zone to the residents at the back of the property on Melissa Drive. Whorler stated that he would listen to any suggestions that the residents made. Jefferies stated that if a piece of land remains residential, it would lock out any further commercial development beyond that lot. Loiselle suggested forwarding that suggestion to the Planning Board. Jill Gallagher, 10 Wilson Farm Road, referenced a flyer she received in her mailbox opposing this article. Gallagher hoped that a solution could be worked out with the Planning Board. Gallagher stated that she supported the article noting that this is a young couple who want to expand their business. Gallagher stated that the business is neat and clean and that the petitioners should be able to use their property. Tom Barry, 13 Fieldstone Drive, stated that the neighbors just found out about this article. Barry stated that Whorler has not approached any of the neighbors. Barry was concerned with creep zoning and the reduction of property values. Barry stated that residents bought the homes in the area because of being in a neighborhood. Barry was afraid that the commercial zone would keep moving down Carlisle Road. Healy-Coffin suggested that Whorler meet with the neighbors to try to come to a resolution. Jefferies offered to meet with the group. Doug Morin, 10 Whitney Drive, stated that the last time this was brought forth one of the arguments was that a design plan was never shown. Morin questioned the amount of land being claimed as commercial. Morin felt that this was spot zoning and was concerned that if it is changed to commercial, KinderCare can put a building there. Morin did not support the petition and stated that if the area is rezoned to commercial, any business can move into that site. Al Sateriale, 20 Fieldstone Drive, felt that this was a quality of life issue. Sateriale was concerned with increased traffic in the area, light and noise pollution. Sateriale did not want the neighbors impacted by the Town's mistake. Sateriale was worried that MacDonald's could move into that site. A resident from 4 Melissa Drive stated that this is in her backyard. The resident stated that she bought her home one year ago and did not buy a property with a commercial zone in the rear. The resident believed that 90% of small businesses fail and asked if Whorler had any kind of business plan showing that the business is viable for a larger property. The resident was concerned that if the business fails, anything could move onto that location, i.e., MacDonald's. The resident was concerned with the increase in traffic and the impact to the value of her home. Whorler pointed out that the cost of doing business will remain the same and that he has been in business for 14 years. The Board to take a position after Planning Board's recommendation is received. McCusker asked Whorler to provide a copy of a plot plan of the property and the location of the abutters. Healy-Coffin suggested that if Whorler and the neighbors cannot come to a consensus, Whorler could bring the petition to Annual Town Meeting.

It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to sign the warrant.

Licenses and Permits

Use of Town Common for Wedding, June 29, 2003, 12:00 P.M. –

Deferred to October 29th meeting. Ledoux to invite Steven Boudreau to the meeting for a discussion regarding the use of the common.

One Day Wine and Malt License, Parish Center for Arts, Wine Tasting Fundraiser, November 23, 2002 – It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Annual Menorah Lighting, December 1, 2002, 5:00-8:00 P.M., Town Common – Deferred to October 29th meeting. Jefferies asked Ledoux to publicize this to the other temples and churches.

One Day Liquor License, Belated Wedding Reception, Paul & Christine MacMillan, First Parish Church, October 25th – It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

Banner Request for Westford Academy Holiday Bazaar, November 30th – December 9th – It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 OPPOSED (McCusker), to approve.

Appointments

Westford Cultural Council – It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to appoint Elizabeth Michaud, 11 Beaver Dam Drive, to the Westford Cultural Council.

Additional Election Officers – Request from the Town Clerk to appoint 4 additional election officers for a 1-year term expiring June 30, 2003. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Joyce E. Cederberg, Elaine Cropper, Hajo W. Koester, and Paul J. Royte.

Planning Board Vacancy – Ledoux reported that a meeting needed to be held with the Planning Board to appoint a member to fill the vacancy.

Franklin Property

Ledoux referenced a report concerning what is owed by Industrial Rents for the Franklin properties.

Minutes

It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of September 24, 2002 (regular session).

Board Reports/Updates

None at this time.

Old Business/New Business

Annual Goal Setting – To be addressed at October 29th meeting.

Highway Winter Staffing – Richard Barrett, Highway Superintendent, and Pat Savage, Parks and Recreation Director, were present to discuss the current staffing levels for the Highway Department. Barrett outlined the organizational chart of the existing Highway Department. Barrett stated that a Crew Leader in the Highway Department and the Cemetery Supervisor in the Ground's Department will be taking early retirement. Barrett proposed promoting two existing employees and filling two entry-level positions. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to accept the Highway Superintendent's recommendation to allow two positions to be filled.

Warrant for State Election – The Board signed the warrant.

Resolution regarding MIIA Health Benefits Trust – It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to sign the resolution.

Resolution from ICMA regarding Ledoux's Retirement – Ledoux stated that his retirement corp. plan had never been transferred from the Town of Sudbury to the Town of Westford. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to sign the resolution.

Correspondence

Healy-Coffin read the list of correspondence.

10.12 Kimball Farm Crosswalk Issue (incl MA Highway Permit Application). Ledoux to invite Kimball Farm representative and the Police Department to a meeting in November for a discussion.

Motion to Go Into Executive Session

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to go into executive session at 10:40 p.m. for the purpose of discussing pending litigation with the Conservation Commission regarding Nashoba Valley Technical School District. A polling of the Board: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. The Board to reconvene to regular session for the purpose of adjourning.

Open Items

10/22-1 Ledoux to get report from Tax Collector re: Providence Road land – Boisvert request to redeem.

10/22-2 Ledoux to provide information to the Board re: the Board's rights relative to property taken for back taxes.

10/22-3 Ledoux to provide information clarifying re-allocation of funds re: Community Preservation per Town Counsel.

10/22-4 Ledoux to get report from Fire Chief re: Article 16 – Hazardous Materials Storage re: methanol.

10/22-5 Ledoux to invite representatives from Nashoba to October 29th meeting re: taking position on Article 17.

10/22-6 Ledoux to invite Steven Boudreau to October 29th meeting to discuss use of common.

10/22-7 Ledoux to notify churches and temples of Menorah lighting on common requested for December 1, 2002.

10/22-8 Board to address Annual Goal Setting at October 29th meeting.

10/22-9 Ledoux to invite Kimball Farm representative and Police Department to a meeting in November to discuss sidewalk issue.

Adjournment

The Board reconvened to regular session at 11:40 p.m. It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux, Town Manager

Dini Healy-Coffin, Chairman